

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

NATIONAL GRID COMMUNICATIONS, INC., )  
Plaintiff )  
V. ) C. A. NO. 05-30131-MAP  
TOWN OF LENOX and )  
LENOX ZONING BOARD OF APPEALS, )  
Defendants )

SECOND JOINT MOTION TO FURTHER EXTEND TIME FOR OPPOSING  
MOTION TO INTERVENE AND FOR STAY OF ACTION ON THE AGREEMENT  
FOR JUDGMENT SUBMITTED BY THE PLAINTIFF AND THE DEFENDANTS

The Plaintiff, National Grid Communications, Inc., and the Defendants, Town of Lenox and Lenox Zoning Board of Appeals, with the assent of proposed intervenor Lenox Meadows, LLC, jointly move that this Honorable Court further extend the deadline for responses to Lenox Meadows, LLC's Motion to Intervene from October 27, 2006, to November 17, 2006, on the grounds that the Plaintiff and the Defendants, having agreed upon a settlement of this matter, have conducted further settlement discussions with Lenox Meadows, LLC, and Plaintiff is currently surveying and preparing a set of plans for a revised tower location, which may also resolve all issues raised in the Motion to Intervene and in the underlying case as well. The parties and Lenox Meadows also ask this Honorable Court temporarily to stay any action on the Agreement for Judgment which was filed on September 12, 2006.

Further in support of this Motion, the parties state the following, and  
Lenox Meadows, LLC, concurs:

1. On September 12, 2006, Lenox Meadows, LLC, filed for intervention, and Plaintiff and the Defendants filed an Agreement for Judgment. Following discussions with counsel for Lenox Meadows, LLC, the parties have made further modifications of the proposed tower design and location, which modifications were the subject of a balloon test conducted on October 11, 2006. Plaintiff is currently surveying a new tower location and preparing plans, which the parties and Lenox Meadows, LLC, hope will result in a settlement of all issues in the Motion to Intervene and in the underlying case.

2. The requested extension, and the stay of action on the Agreement for Judgment, would give the parties and Lenox Meadows the additional time necessary for the evaluation of the survey results and the plans currently being drafted, and would not unreasonably delay the resolution of this matter.

Respectfully submitted,

NATIONAL GRID  
COMMUNICATIONS, INC.,

By: /s/ Kenneth Ira Spigle  
Kenneth Ira Spigle (BBO# 475220)  
687 Highland Avenue, Suite 1  
Needham, Massachusetts 02494  
(781) 453-3900  
Facsimile: (781) 453-0510

Dated: October 27, 2006

TOWN OF LENOX and LENOX  
ZONING BOARD OF APPEALS,

By: /s/ Jerome J. Scully  
Jerome J. Scully (BBO # 449660)  
Hannon, Lerner, Cowig, Scully & Bell  
184 Main Street, PO Box 697  
Lee, Massachusetts 01238  
(413) 243-3311  
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Assented to:

Lenox Meadows, LLC, (proposed Intervenor)

By its attorneys,

/s/ Sheryl A. Koval

Anthony M. Feeherry (BBO # 160860)

Sheryl A. Koval (BBO # 657735)

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